IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

Con.Case(C).No. 796 of 2007(S)

AGAINST THE ORDER IN WA.1932/2006 Dated 20/03/2007
.....

PETITIONER/PETITIONER

JUBY THOMAS,
VALLIKKATTIL HOUSE, W/O. REV. FR. MANOJ,
AGED 26 YEARS, MATTUKATTA, AYYAPPANKOVIL,
IDUKKI.

BY ADV. SMT.S.KARTHIKA
SRI.M.S.UNNIKRISHNAN
SMT.K.P.GEETHA MANI
SRI.M.R.ANISON
SRI.T.R.RAJESH

RESPONDENT: 3RD RESPONDENT

SMT. M.I.SARAMMA,
AGED NOT KNOWN TO THE PETITIONER,
W/O. NOT KNOWN TO THE PETITIONER,
THE DISTRICT EDUCATIONAL OFFICER, KOTTAYAM.

BY SR.GOVT. PLEADER MR.M.R.SABU

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

Cont.Case (c) No.796 of 2007

Dated, this the 6th day of June, 2007

JUDGMENT

H.L.Dattu, C.J.

Alleging that the respondent in this contempt petition has disobeyed wilfully and deliberately the orders and directions issued by this Court in I.A.No.112 of 2007 in W.A.No.1932 of 2006, the appellant in the writ appeal has filed this contempt petition.

2. The learned counsel appearing for the complainant would submit that this Court while disposing of I.A.No.112 of 2007 has specifically directed the respondent/District Educational Officer, Kottayam to pay the salary for the period the complainant actually worked. Since the respondent has not complied with the orders and directions issued by this Court, according to the learned counsel, he has disobeyed the orders and directions issued by this Court wilfully, purposely and deliberately and therefore, he requests us to initiate appropriate contempt proceedings as envisaged under Sections 11 and 12 of the Contempt of Courts Act.

3. We have carefully perused the orders passed by this Court dated 20th March, 2007 in I.A.No.112 of 2007. The Court has observed as under:

> "Further, we make it clear that in case the salary is paid, that will not confer a better right to the petitioner."

4. After going through the order, we are of the opinion that the Court has not issued any positive direction to the respondent. In the absence of such

a direction it cannot be said that the respondent has committed an act of contempt in not complying with the orders and directions issued by this Court. In this view of the matter, we decline to take cognizance of this contempt petition. Accordingly it requires to be rejected and it is rejected. Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns/DK